



09-06-05

DFW

**Re: Application No. 10/849,720**

Express Mail Label ER 55230576 US

Commissioner for Patents  
PO Box 1450  
Arlington, VA 22313-1450  
Attention: Louanne C. Krawczewicz Myers

September 2, 2005

Ms. Myers:

In reference to the recent plant patent application, *Hosta* plant named 'Independence', Application No. 10/849,720, Filing Date 05/20/2004, Group Art Unit 1661, Docket No. HSIND 1.1, the applicant respectfully resubmits the substitute specification. Enclosed are two copies of the corrected specification and two clean copies for publication.

I respectfully request that the enclosed specification be accepted and replace the previously filed specification. I believe this resubmitted version addresses all the objections of the examiner, and more clearly and completely describes the plant. No new matter has been introduced. I believe I have adequately addressed all of the objections of the examiner and fully, clearly, concisely and accurately depicted the characteristics of the stated plant.

Please accept the current specification, which, I believe, fits the current requirements. Thank you again for all your assistance in this matter.

Sincerely,

Jeffery A. Westendorp  
Walters Gardens, Inc.  
1992 - 96<sup>th</sup> Avenue  
Zeeland, MI 49464-0137



# Certificate of Express Mailing under 37 CFR 1.10

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I hereby certify that this correspondence together with all herewith identified enclosures:

1. Two copies of the specification showing changes (total 8 pages each)
2. Two copies of the clean specification
3. Cover letter
4. Certificate of mailing
5. Return pre-addressed post card

are being deposited with the United State Postal Service as Express Mail in an envelope addressed to:

Commissioner for Patents  
PO Box 1450  
Arlington, VA 22313-1450  
Attention: Louanne C. Krawczewicz Myers

On September 2, 2005  
(date)

(signed) Clarence H. Falstad, III  
Walters Gardens, Inc.  
1992 - 96<sup>th</sup> Avenue  
Zeeland, MI 49464-0137